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8 **2018 CALIFORNIA STATE RAIL PLAN 2018**  
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12 **TRIBAL LISTENING SESSION**  
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17 **CALTRANS DISTRICT 11 BUILDING**  
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19 **MARCH 25, 2016**  
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21 **4050 TAYLOR STREET**  
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23 **SAN DIEGO, CA 92110**  
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26 **TRANSCRIPT**  
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1 **TRANSCRIPT PREPARED BY: STAR REPORTING SERVICE FROM AUDIO**  
2 **RECORDING**

3 **Introductions, Welcome, and Presentations were not recorded for this session.**

4 **For details on Presentations see the Sacramento Webinar at:**

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6 **California State Rail Plan Presentation Questions & Answer Session**

7 STEPHANIE LUCERO: But we do have it on just so you could capture that and then we'll also do  
8 a summary report. So any questions for Andy? It's lot of information.

9 LINDSAY FLETCHER: Yeah.

10 STEPHANIE LUCERO: Okay.

11 LINDSAY FLETCHER: But it's good, it's good information to have, so I appreciate it.

12 STEPHANIE LUCERO: Okay. Excellent. And then, obviously, if you have questions once you  
13 hear from some of the other programs, we'll bring them in. So if there are no questions, let's  
14 bring up Tyler Monson for California Sustainable Freight Action Plan.

15 [END Q&A SESSION]

16 ***Tyler Monson presented on California Sustainable Freight Action Plan. There were no***  
17 ***questions for this section.***

18 **California High-Speed Rail Project: General Information. Questions & Answer Session**

19 LINDSAY FLETCHER: Is the design portion for the Southern California area still being  
20 designed?

21 KEVIN ALVARADO: Yeah, it's very much still in design. So like we talked about before, or I  
22 talked about before, the Phase 1 section will extend down to Los Angeles Union Station and then  
23 end down to Anaheim. So these are currently the proposed alternatives. It's those are the  
24 proposed alternatives for the Southern California region. And then out here, when we extend  
25 through down to San Diego, that's all Phase 2. So Phase 1 has to be completed before Phase 2  
26 can be, but yes, these alternatives are still currently under consideration. And I say ..

27 LINDSAY FLETCHER: And what about the sites? Sorry to interrupt you.

28 KEVIN ALVARADO: No, no, no, go ahead.

29 LINDSAY FLETCHER: The sites for the specific so like you have a site on here for  
30

1 Murrieta?

2 KEVIN ALVARADO: Yes.

3 LINDSAY FLETCHER: Is that still open for moving things around?

4 KEVIN ALVARADO: Yes, very much, very much. So to just explain. Phase 2 is very  
5 much in the planning phase and that's because Phase 1 is what's being proposed to be in service  
6 by 2029 in Los Angeles and San Francisco. Phase 2 we're currently planning and doing agency  
7 consultation, tribal consultation, but it is very much in preliminary planning phases and we are  
8 working with agencies to learn about different connections, different plans, also regional plans,  
9 in order to refine what the alternatives looks like in Phase 2. So and to answer your question,  
10 yes, very much, very much we are in a planning phase here and we're looking for as much input  
11 as we can from agencies and tribes and based on based on needs as well.

12 LINDSAY FLETCHER: The only reason I ask is I think the tribe would much prefer to see  
13 instead of being at Murrieta, being in Temecula, which is where which is where they're located.

14 KEVIN ALVARADO: Mm hm.

15 STEPHANIE PEREZ: Yeah, and just to jump in, but I'm sure Sarah will get into this  
16 when she gets into her presentation as the Phase 2 is very high level conceptual at this point.  
17 And so through tribal consultation, we would welcome your input for your concerns about this  
18 area.

19 LINDSAY FLETCHER: Great, thank you.

20 KEVIN ALVARADO: So I'll take another opportunity to welcome Sarah up again.

21 STEPHANIE LUCERO: Well, Sarah is coming in, yes.

22 KEVIN ALVARADO: I went backwards, I did a little a remix.

23 STEPHANIE LUCERO: Quick follow up, Lindsay; you mentioned that there would be an  
24 interest in the tribes and having a line closer to Temecula versus Murrieta. Is that specific to  
25 High Speed Rail or is that an access issue in general?

26 LINDSAY FLETCHER: I think it's an access issue. You know, they have their resort casino  
27 there and I think it's that would be of interest to them, right? If they can have access much closer  
28 to that point where people will be getting off and have easier access to get to the resort and  
29 casino, that would something of interest, certainly, rather than not. You know, because if the  
30 drop off is in Murrieta where people get on and off, it's still quite a trek to get from there,

1 especially considering the traffic right now on the 15 to get from Murrieta to the resort and  
2 casino.

3 STEPHANIE LUCERO: Okay. Good. And the reason I asked that is the High Speed Rail  
4 was one option, but we also have State Rail talking about, you know, accessibility in lines and  
5 stuff like that.

6 LINDSAY FLETCHER: Great.

7 **California High-Speed Rail Project: Programmatic Agreement for compliance with Section**  
8 **106 of the National Historic Preservation Act. Questions & Answer Session**

9 LINDSAY FLETCHER: Just a couple things before you before you go. You know, in  
10 listening to you talk about the difficulties in accessing land, you know, that you can only look up  
11 certain records to know where these cultural resources are, you know, I will say that Pechanga  
12 has a very robust database of our elite cultural resources that we have gone out and surveyed and  
13 we have mapped and, you know, GIS has helped us and, you know, when we use it a lot when  
14 we deal with sequel projects and 106 projects, we've already had developers come in and we can  
15 show them on the map where everything

16 SARAH ALLRED: It is.

17 LINDSAY FLETCHER: you know, where it's at.

18 SARAH ALLRED: And this is beyond what the information centers have.

19 LINDSAY FLETCHER: Exactly.

20 SARAH ALLRED: Yeah, so you are far ahead of many of the tribes in California in that  
21 regard and a lot of tribes will ask me for GIS files and we can provide those GIS files so you're  
22 not necessarily having to share your confidential stuff with us. We can send you our GIS files,  
23 and you can determine and reveal as you feel comfortable, but we can work together to start  
24 identifying what resources you know of in advance. That's going to be extremely helpful.

25 LINDSAY FLETCHER: Yeah. And that's what I was going to say is when it comes time to  
26 share that information and to discuss the where exactly the alignment is going and what that  
27 might impact, you know, it would be good to have someone come out to our cultural department,  
28 meet with Anna Hoover and discuss. So she could show you this this is what we've got, this  
29 is how the alignment will affect it. To share that information, so we can avoid as much as  
30 possible, right? Understanding that things can't, you know, hairpin turn.

1 SARAH ALLRED: Right. But I think identifying those red flags, those show stoppers up  
2 front would be helpful. I mean, we don't want to get in a position where we're affecting  
3 something that, you know, we don't have to affect.

4 LINDSAY FLETCHER: Right. Right, and exactly.

5 SARAH ALLRED: Or at least be able to minimize that.

6 LINDSAY FLETCHER: That's what I was mentioning earlier with the, you know, with  
7 Pu'eska Mountain, that's certainly something we don't want we don't want the rail touching that  
8 at all.

9 SARAH ALLRED: Yeah. It was good we had those early discussions, yeah.

10 LINDSAY FLETCHER: But I'm talking more about, you know, the smaller resources, the  
11 more discrete resources that are in that area that will nonetheless be impacted, but to the extent  
12 that there's a possibility for avoidance and mitigation, you know, that'd be something we were  
13 interested in.

14 SARAH ALLRED: Right.

15 LINDSAY FLETCHER: On a broader scale, discussion about the programmatic agreement,  
16 you know, touching on what you mentioned in the beginning is that, you know, when the  
17 programmatic agreement was created in 2011, you know, no one really knew what it was going  
18 to everything was going to look like now. And I've been told from my office, you know,  
19 because I haven't worked on this in a great deal since I've joined, is that I believe we submitted  
20 comments at some point requesting that we can create our own programmatic agreement rather  
21 than be a party to the entire statewide programmatic agreement. If we could have one  
22 specifically for Pechanga, considering the really unique effects of our territorial area that would  
23 be something we would certainly be interested in.

24 SARAH ALLRED: Yeah, yeah and I think that might fall in the realm of the memorandum  
25 agreement. So we have the statewide programmatic agreement that is the framework for how  
26 we're going to comply with 106 for the entire program, but the memoranda agreement are those  
27 section-specific agreements that really focus on the resources and the needs of the consulting  
28 parties for that given section.

29 So for instance, you would be a Section 106 consulting party to the memorandum of  
30 agreement for the LA to San Diego section, but it's not out of the realm of possibility that we

1 also have a focused agreement with your tribe and actually it's one of the things that I am  
2 wanting to do with our existing consulting parties in the Central Valley, is work on, I guess, for  
3 lack of a better term, a burial agreement a reburial agreement in the event that we find human  
4 remains. I mean, we have the protocols in our programmatic agreement that address treatment of  
5 human remains, you know, following the protocol for contacting the coroner and Native  
6 American Heritage Commission, designated MLD and everything. But beyond that, you know,  
7 different tribes have different traditions and so we really want to capture the unique wishes of  
8 our consulting parties, so that when we do not get to that late stage of the project and, even if  
9 we don't find anything in the pedestrian inventory during construction, you know, there's always  
10 surprises, right? We want to be able to be prepared if something does come up so that we're  
11 treating the remains appropriately and, you know, meeting the wishes of the tribe, assuming  
12 you're designated the MLD, as to the disposition of those remains and how it would all work.

13 If, say, one of the things that we agreed upon is that we, as part of the mitigation plan, set aside  
14 land in perpetuity for reburial; well, we can't set that that land aside for reburial until we actually  
15 know the effects that we have to mitigate, if that makes any sense.

16 So again we're at this late stage of the process, so say we encountered human remains and  
17 we ultimately want to set aside some land, but we would have some time in between, where  
18 what would we do with those remains? And so it would be things like that, logistics and how  
19 the tribe wants to handle that. Or maybe the tribe has its own area already and other mitigation  
20 But anyway, so that's just an example of a very focused tribal specific agreements that we would  
21 want to have and certainly it's not too early to begin discussions, but certainly as we get closer,  
22 we really want to collaborate with the Pechanga tribe to work on some of these issues so that  
23 we're prepared in advance when we get there.

24 LINDSAY FLETCHER: Okay. And just so I'm clear, the memorandum of agreement would  
25 be for all consulting tribes in the LA to San Diego area.

26 SARAH ALLRED: Right, right. It's usually collective, like tribes choose to sign on. You  
27 don't have to. We're going to prepare the memorandum of agreement to one, codify our  
28 commitment to complete the field inventories, and it captures how we're going to, you know,  
29 identify, treat and mitigate resources in that section, but that agreement document is written in  
30 collaboration with the consulting parties.

1           So each memorandum of agreement we might have an outline of how the document is  
2 going to be written, but depending on the Section 106 consulting parties, you're going to help  
3 tailor what that document says. So it's a very focused agreement. In the Central Valley, we've  
4 had we have two of them: Fresno to Bakersfield and Merced to Fresno documents. And tribes  
5 had signed, but they you know, we did draft the document and solicited input and then, you  
6 know, when you finalize the document the tribes chose to sign on and some didn't, but even if a  
7 tribe didn't sign, they're a part of the effort; they're still a consulting party.

8           So you don't necessarily have to sign on, but you know you can also. So anyway, as we  
9 get closer to that, we can begin talking about it, but it's very, kind of, tailored section specific and  
10 consulting parties' specific agreement.

11 LINDSAY FLETCHER:     Okay.

12 STEPHANIE PEREZ:       And just for contacts, there's only a handful of consulting parties  
13 for each section. There's a handful of tribes and then, like, the city of Fresno is also a consulting  
14 party. So it kind of depends on I mean, LA to San Diego is actually quite a long section and  
15 it's very densely populated. So there may be more multiple consulting parties, but

16 SARAH ALLRED:     Yeah. And I probably shouldn't say this, but, you know, do you think  
17 there's a possibility that LA to San Diego could be split into two sections?

18 STEPHANIE PEREZ:       Yeah.

19 STEPHANIE PEREZ:       I would say there's a high likelihood that in actuality, when Phase  
20 2 becomes, you know, more real as we get closer in time to that, that the logistics of breaking up  
21 the project section into smaller sections is likely.

22 LINDSAY FLETCHER:     Okay.

23 STEPHANIE PEREZ:       Just because of the magnitude and the municipalities and the  
24 distance and the complexities of each particular region. Like, the Inland Empire and then the  
25 more rural, southern section getting into San Diego seems like it kind of is logical to want to  
26 separate that out. But again, because it because this section is so conceptual at this point, we  
27 haven't tackled that, but I wouldn't be surprised at all if that happens. So then you would be  
28 probably you would located in the more southern section, where you're it's a smaller project  
29 section.

30 LINDSAY FLETCHER:     Okay. And that makes sense. You know, I can just I've heard

1 things from tribal council that, you know, given where it's planning on going

2 STEPHANIE PEREZ: Right. The significance of the

3 LINDSAY FLETCHER: You know, the significance of the area is huge, right? And the

4 portion that matters to them is a relatively discrete area

5 STEPHANIE PEREZ: Section, yeah.

6 LINDSAY FLETCHER: So that's what they're really going to be concerned about and I

7 think based on that and the impacts and distance of the alignment to the really significant area is

8 what's really pushing them to want to have a, you know, a two party agreement; the tribe, you

9 know, with High Speed Rail. So I'm not sure how they're going to feel going forward and

10 signing on to a memorandum of agreement with other tribes, I just I can't say. You know, I

11 appreciate the spirit behind it of course, but just that would probably be in discussions later.

12 STEPHANIE PEREZ: And we'll keep that in mind as we move forward. If we get to a

13 point where that makes more sense, then we can certainly look into doing that.

14 LINDSAY FLETCHER: Great.

15 SARAH ALLRED: Absolutely. Yeah. And, you know, while we're seeking input your

16 input on this statewide Section 106 agreement, we're not seeking, you know, tribal parties to sign

17 on to this agreement. So we did that in the first one and I think Pechanga said hey, can you take

18 our name off of that? Then Soboba never signed, I think they were the only two tribes and it

19 really doesn't I mean, while we want the input, it's not I don't think it's the appropriate vehicle

20 for the tribes to sign on to, necessarily. It's really those section specific agreements that it makes

21 more sense to sign on to. So, you know, keeping that in mind, but we still want your input to the

22 agreement, because that's how we're conducting 106 in complying with the law.

23 STEPHANIE PEREZ: Right. Because the agreement document is the framework for the

24 process. And that's where like Sarah brought up, if there are processes that you've experienced

25 with, like, Caltrans or other local SANDAG or other agencies that are, you know, particularly

26 distasteful or actually

27 SARAH ALLRED: Or really good.

28 STEPHANIE PEREZ: worked really well. Yeah, then we would like that input because, you

29 know, you're you are the experts in your, you know, your particular little tribal area and so we

30 want to be sensitive to that.



1 STEPHANIE LUCERO: Do you have any other questions or comments for High Speed  
2 Rail? We threw a lot of information out there. (Laughter)

3 SARAH ALLRED: Right. I don't expect you to, like, go to lunch and read the PA and then  
4 come back and, like, have input, but I really wanted to give you then tools to be able to look at it,  
5 research, determine, you know, how you'd like to proceed and then our contact information. So  
6 we welcome your input, whether it's tomorrow or next month or in a couple months.

7 STEPHANIE LUCERO: Preferably before December, though. (Laughter)

8 LINDSAY FLETCHER: That makes sense, okay.

9 SARAH ALLRED: And I'll certainly follow up with you, as well, or Anna Hoover.

10 LINDSAY FLETCHER: Yeah. Yeah, any of us.

11 SARAH ALLRED: All of you.

12 LINDSAY FLETCHER: Yeah. All of us, any of us is fine.

13 SARAH ALLRED: Yeah, yeah. So anyway, thanks again for coming.

14 [END Q&A SESSION]

15 STEPHANIE LUCERO: So it sounds like we got a couple of comments for High Speed Rail  
16 because we did discuss the possibility that you may not need to come back in the afternoon if  
17 you got all your comments on the record, so why don't we take the opportunity just to think  
18 through. You mentioned you don't have any questions for Sustainable Freight

19 LINDSAY FLETCHER: Right.

20 STEPHANIE LUCERO: but you do want to look at the draft plans. We've got that as an  
21 action item to make sure that Pechanga's on the list of those through contact when the draft is  
22 released. Based on, you know, kind of hearing all of the different presentations, are there any  
23 additional comments or items that, when you spoke with the tribe, you wanted to make sure are  
24 part of this presentation? You mentioned access both for our passenger. Are there tribal  
25 interests in terms of access for freight to Temecula? Is there any economic development issues  
26 there?

27 LINDSAY FLETCHER: You know, I'm not sure. I'm not sure. There might be things that  
28 I'm just not aware of. You know, coming in to today's meeting, I think the purpose of me  
29 coming obviously was to hear what all of you had to say, where things are at and where they're  
30 headed. And for it to just serve as a reiteration of the comments that we've already submitted,

1 you know.

2 We certainly appreciate being a part of this process early on and, you know, as I as  
3 some of you are aware and as discussed earlier, you know, the area where the alignment is  
4 headed is very, very sensitive. And I think we've submitted in our comments before is that right  
5 where the alignment was originally going to go through is the tribe's creation area. So it's a very  
6 one of the most sacred areas to the tribe and is a really sensitive area for us not only because of  
7 that, but because we had just wrapped up this huge fight with Granite Construction to not build a  
8 mine completely destroying the creation area.

9 So that was a long, long, very public battle which ultimately resulted in us having to  
10 purchase the property and thank god we had the resources to purchase it, but so Pu'eska  
11 Mountain and that area is in the forefront of the tribal council's mind and protecting it and  
12 making sure that it's not impacted. That being said, you know, we have discussed with Sarah,  
13 you know, of the alignment being pushed over so it wouldn't impact the mountain. That's  
14 certainly going to be something that's going to be more tolerable for the tribe to take in.  
15 Certainly not without its concerns, right? Even though it doesn't affect the mountain, there are a  
16 lot of cultural resources in the area and the entire area is just very sensitive. So we appreciate,  
17 you know, being a part of this process and, you know, we really enjoy the open dialogue and are  
18 happy to continue participating.

19 [END Q&A SESSION]

## 20 LISTENING SESSION

21 STEPHANIE LUCERO: Now, in terms of  
22 For our record and I anticipate it's not an issue because you mentioned, you know, it's being  
23 recorded. Do you want us to specify the mountain's name as an area of concern in our summary?  
24 Or would you like us to

25 LINDSAY FLETCHER: Yeah. I mean

26 STEPHANIE LUCERO: Perfect.

27 LINDSAY FLETCHER: That's certainly fine, yeah.

28 STEPHANIE LUCERO: How do we spell it?

29 LINDSAY FLETCHER: Okay. So I believe it is P-U-'-E-S-K-A. Pu'eska Mountain.

30 STEPHANIE LUCERO: Perfect. All right. And then so access for pedestrian, that would

1 be that would be actually State Rail and a High Speed Rail issue, I would think, in terms of the  
2 economic development, the ability of access, whether it'd be through additional High Speed Rail  
3 or traditional rail systems as well as the potential for, you know, maybe court meeting with  
4 pedestrian or bus or transit. Just to make the tribe's economic ventures more accessible through  
5 the rail system, we've identified that as a concern. Obviously, in Section 106 the alignment and  
6 cultural resource concern is identified. Are there any other things we should make sure we have?  
7 Thinking through. And obviously, this is just the first crack, but we've got another four minutes  
8 before the alarm.

9 LINDSAY FLETCHER: Yeah, I mean, I think that that pretty much covers it. You know,  
10 along with what I explained earlier about the tribe really wanting to have its agreement, right?  
11 Its own agreement that deals with its own issues and its own territory I think would be something  
12 that's going to be really important, really for

13 CHILI CILCH: So I have a question. So just imagine it, I'm in San Diego, I want to go to  
14 the Pechanga tribe because they're having some great concert there. (Laughter) So how late will  
15 the High Speed Rail be anticipated to operate?

16 KEVIN ALVARADO: So the High Speed Rail system in the business plan is recognized  
17 to not run between the hours of midnight and 5 a.m. for our most sensitive (inaudible). Other  
18 than that, though, there aren't any specific run times, I think, planned.

19 LINDSAY FLETCHER: So I that was my next question, about the noise. I mean I there  
20 will be noise, but I would think if when you compare it to traditional rails

21 STEPHANIE PEREZ: Yeah, High Speed Rails run on an electrified propulsion system, so  
22 they actually run at significantly quieter levels than just transits.

23 SARAH ALLRED: And they'll be faster, so the noise will be of a shorter duration.

24 STEPHANIE PEREZ: That's it, exactly. Noise is super complex, like, to contemplate it is  
25 really complex, but one of the big things about it is that the longer you're disturbed, the more it  
26 bothers people. That has to do with human perception. So noise disturbance is usually the  
27 threshold quite low. It's quite if it's something like a longer term effect or it takes longer to  
28 pass, that's actually more disturbing, so we have a bunch of resources for that too, online,  
29 though. Because it's complex, but it's interesting it's something people want to talk about.

30 FEMALE SPEAKER 2: So I actually have a question for you, because some of the

1 comments you provided were follow up at abilities to comment on draft plans. You know, we've  
2 got we're probably going to proceed at least California State Rail Plan and to some extent the  
3 Sustainable Freight Action Plan with utilizing the Native American Advisory Committee contact  
4 list, which usually has tribal share people and then if there is a tribal transportation person. Are  
5 there people we should make sure we have on that list to get Pechanga and then, you know, in  
6 general are there ways we can improve the way we get information out to the tribes within this  
7 region?

8 LINDSAY FLETCHER: I believe Anna Hoover and Obrey are on those lists and that would  
9 they would be the right people to direct it to direct it to, because they handle writing the  
10 majority of our comments.

11 STEPHANIE LUCERO: Okay. Then the other question is, you know, the SANDAG  
12 working group we're learning more and more for this region is really the place to go, but there's  
13 also, like, Temecula, farther inland there's a lot of tribes there and so the question is, in terms of  
14 balancing resources and outreaching, should we start maybe looking at moving these discussions  
15 to maybe see if Pechanga wants to host? Or, you know, talk to Torres Martinez or maybe move  
16 inland and then access San Diego through SANDAG?

17 LINDSAY FLETCHER: Yep, I think that would be appropriate. Absolutely.

18 STEPHANIE LUCERO: Okay. Just, you know, ways we can improve outreach to tribes.

19 CHILI CILCH: Yeah. How far is it? I am totally geographically challenged.

20 LINDSAY FLETCHER: We're about an hour. We're at an hour from here. About 60 miles.

21 STEPHANIE LUCERO: Okay. Okay. So it is it is a hike.

22 LINDSAY FLETCHER: It's a hike. And other than the tribes that are and even the tribes  
23 that are, like, considered San Diego tribes. It's still I mean they're in the mountains and they're  
24 windy roads

25 STEPHANIE LUCERO: Right, right, they're not necessarily right here. And the San Diego  
26 County area is huge. You know, people who are like call it San Diego, it's really big.

27 LINDSAY FLETCHER: Yeah. I think that Temecula is like three or four miles from the  
28 San Diego County border, so and it still takes an hour to get there.

29 FEMALE SPEAKER 1: Still an hour to get there.

30 STEPHANIE LUCERO: Yeah. So yeah, just want to make sure we're accessing every

1 potential point. So I'm assuming you will probably head out after this point.

2 LINDSAY FLETCHER: I think so, yeah.

3 STEPHANIE LUCERO: All right. So please feel free to get contact information, most of  
4 it's on your sheets. But, folks, circle back and make sure you have your contact. For the record,  
5 my presenters go to lunch, come back at 1:00. We will stay here until 1:30. We'll see if anybody  
6 shows up for the afternoon session and then if not, we'll make sure we send out those packets and  
7 outreach materials. And again, thank you so much so that we have an opportunity to practice  
8 before a live audience. (Laughter)

9 LINDSAY FLETCHER: Yeah, thank you. Thank you very much, everybody. Thank you.

10  
11 [END]